

File No.: 16051-10US CC/sd

May 4, 2006
Montréal, Canada



IN THE UNITED STATES PATENTS AND TRADEMARKS OFFICE

APPLICANTS: Andrew VAILLANT et al.
ASSIGNEE: REPLICOR INC.
SERIAL NUMBER: 10/661,355
TITLE: METHOD FOR IDENTIFYING ANTIVIRAL OLIGONUCLEOTIDES
FILING DATE: September 12, 2003
ART UNIT: 1648
EXAMINER: Sharon L., HURT

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR § 1.97 and 1.98

Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on a PTO/SB/08A/B form is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR § 1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §§ 1.97-1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in

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Serial No. 10/661,355

37 CFR § 1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

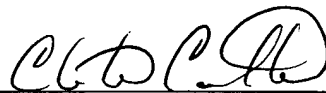
RELEVANCE OF EACH DOCUMENT

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08A/B be returned in accordance with MPEP § 609.

The Commissioner is hereby authorized to withdraw the fees in the amount of \$180.00 for the submission of an Information Disclosure Statement from Deposit Account No. 19-5113 as well as any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-5113.

Respectfully submitted,

May 4, 2006



Christian Cawthorn, Reg. No. 47,352

Agent of record

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Canada

Encl. Form PTO/SB/08A/B
Non-Patent References in pdf format



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INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known	
				Application Number	10/661,355
				Filing Date	September 12, 2003
				First Named Inventor	Andrew Vaillant et al.
				Art Unit	1648
				Examiner Name	Sharon L. HURT
Sheet	1	of	13	Attorney Docket Number	16051-10US CC

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number – Kind Code ² (if known)			
		US-5,563,050			
		US-6,506,559			
		US-5,023,252			
		US-5,580,859			
		US-4,806,463			
		US-5,248,670			
		US-5,591,720			
		US-5,952,490			
		US-5,998,602			
		US-6,184,369			
		US-5,264,423			
		US-5,276,019			
		US-6,316,190			
		US-5,218,103			
		US-5,684,148			
		US-5,452,496			
		US-5,278,302			
		US-5,750,666			
		US-5,602,244			
		US-5,508,270			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant Of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	† ⁴
		Country Code3 – Number4 – Kind Code5 (if known)				
		WO 03/02903				
		WO 99/32619				
		WO 01/75164				
		WO 92/03051				
		WO 94/17093				
		WO 94/02499				
		WO 94/26764				
		WO 97/13499				

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

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Substitute for form 1449PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
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		US-4,469,863			
		US-5,610,289			
		US-5,256,775			
		US-5,366,878			
		US-5,476,925			
		US-5,023,243			
		US-5,130,302			
		US-5,177,198			
		US-5,378,825			
		US-5,386,023			
		US-5,489,677			
		US-5,264,562			
		US-5,264,564			
		US-5,223,618			
		US-5,770,713			
		US-5,543,152			
		US-4,426,330			
		US-4,534,899			
		US-5,705,188			
		US-5,013,556			

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		Country Code 3 – Number 4 – Kind Code 5 (if known)				
		WO 90/04384				
		WO 97/30731				
		EP 0 496 813 B1				
		EP 0 445 131 B1				
		WO 91/05545				
		WO 94/20073				
		WO 96/10391				
		WO 98/39352				

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		US-5,356,633			
		US-5,213,804			
		US-5,225,212			
		US-5,540,935			
		US-5,556,948			
		US-6,316,190			
		US-5,264,221			
		US-5,665,710			
		US-4,806,463			
		US-5,248,670			
		US-5,695,979			
		US-5,591,623			
		US-5,514,788			
		US-5,652,355			
		US-6,143,881			
		US-6,346,614			
		US-5,591,721			
		US-6,608,035			
		US-3,687,808			
		US-5,625,050			

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		Country Code ³ – Number ⁴ – Kind Code ⁵ (if known)				
		WO 99/14226				
		WO 96/40062				
		WO 97/04787				
		WO 04/02419				

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Substitute for form 1449PTO

(use as many sheets as necessary)

Complete if Known

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				Art Unit	1648
				Examiner Name	Sharon L. HURT
Sheet	5	of	13	Attorney Docket Number	16051-10US CC

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		ADJOU <i>et al.</i> , "A novel generation of heparan sulfate mimetics for the treatment of prion diseases", 2003, <i>J. Gen. Virol.</i> 84:2595-2603.	
		AGRAWAL, "Importance of nucleotide sequence and chemical modifications of antisense oligonucleotides", 1999, <i>Biochim. Biophys. Acta</i> 1489:53-68.	
		AGRAWAL and KANDIMALLA, "Antisense therapeutics: is it as simple as complementary base recognition?", 2000, <i>Mol. Med. Today</i> 6:72-81.	
		AKHTAR <i>et al.</i> , "The delivery of antisense therapeutics", 2000, <i>Advanced Drug Delivery Reviews</i> 44:3-21.	
		ALLAKHVERDI <i>et al.</i> , "Inhibition of Antigen-induced Eosinophilia and Airway Hyperresponsiveness by Antisense Oligonucleotides Directed against the Common β Chain of IL-3, IL-5, GM-CSF Receptors in a Rat Model of Allergic Asthma", 2002, <i>Am. J. Respir. Crit. Care Med.</i> 165:1015-1021.	
		ANDREOLA <i>et al.</i> , "DNA aptamers selected against the HIV-1 RNase H display in vitro antiviral activity", 2001, <i>Biochemistry</i> , 40:10087-10094.	
		BAKER <i>et al.</i> , "2-O-(2-Methoxy)ethyl-modified Anti-intercellular Adhesion Molecule 1 (ICAM-1) Oligonucleotides Selectively Increase the ICAM-1 mRNA Level and Inhibit Formation of the ICAM-1 Translation Initiation Complex in Human Umbilical Vein Endothelial Cells", 1997, <i>J. Biol. Chem.</i> 272 (18):11994-12000.	
		BALL <i>et al.</i> , "Clinical Potential of Respirable Antisense Oligonucleotides (RASONS) in Asthma", 2003, <i>Am. J. Pharmacogenomics</i> 3 (2):97-106.	
		BANKS <i>et al.</i> , "Delivery across the Blood-Brain Barrier of Antisense Directed against Amyloid β : Reversal of Learning and Memory Deficits in Mice Overexpressing Amyloid Precursor Protein", 2001, <i>J. Pharmacol. Exp. Ther.</i> 297 (3):1113-1121.	
		BARDOS <i>et al.</i> , "Structure-Activity Relationships and Mode of Action of 5-Mercapto-Substituted Oligo- and Polynucleotides as Antitemplates Inhibiting Replication of Human Immunodeficiency Virus Type 1", 1992, <i>Antimicrob. Agents and Chemother.</i> 36 (1):108-114.	

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Sheet	6	of	13	Attorney Docket Number	16051-10US CC

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
		BARRET <i>et al.</i> , "Evaluation of Quinacrine Treatment for Prion Diseases", 2003, <i>J. of Virol.</i> 77 (15):8462-8469.	
		BATE <i>et al.</i> , "Squalestatin Cures Prion-infected Neurons and Protects Against Prion Neurotoxicity", 2004, <i>J. of Biol. Chem.</i> 279 (15):14983-14990.	
		BOUSSIF <i>et al.</i> , "A versatile Vector for Gene and Oligonucleotide Transfer into Cells in Culture and in vivo: Polyethylenimine", 1995, <i>Proc. Natl. Acad. Sci. USA.</i> 92 (16):7297-7301.	
		BRIGGER <i>et al.</i> , "Poly(ethylene glycol)-Coated Hexadecylcyanoacrylate Nanospheres Display a Combined Effect for Brain Tumor Targeting", 2002, <i>J. Pharmacol. Exp. Ther.</i> 303 (3):928-936.	
		CASPER, "Discovery of a Novel Target for Potential Cancer Therapy", Joint Bayer Science Forum – ACS November 24 th Dinner Meeting. 2003, The FILTERPAPER, Andy Edelbrock Bayer Corporation, page 3 (abstract).	
		CAUGHEY <i>et al.</i> , "Sulfated Polyanion Inhibition of Scrapie-Associated PrP Accumulation in Cultured Cells", 1993, <i>J. Virol.</i> 67 (2):643-650.	
		CHEN <i>et al.</i> , "Antisense Oligonucleotides Demonstrate a Dominant Role of c-Ki-RAS Proteins in Regulating the Proliferation of Diploid Human Fibroblasts", 1996, <i>J. Biol. Chem.</i> 271 (45):28259-28265.	
		CHEONG <i>et al.</i> , "Structure of influenza virus panhandle RNA studied by NMR spectroscopy and molecular modeling", 1999, <i>Nuc. Acids. Res.</i> 27 (5): 1392-1397.	
		CHIANG <i>et al.</i> , "Antisense Oligonucleotides Inhibit Intercellular Adhesion Molecule 1 Expression by Two Distinct Mechanisms", 1991, <i>J. Biol. Chem.</i> 266 (27):18162-18171.	
		CIOFFI <i>et al.</i> , "Selective Inhibition of A-Raf and C-Raf mRNA Expression by Antisense Oligodeoxynucleotides in Rat Vascular Smooth Muscle Cells: Role of A-Raf and C-Raf in Serum-Induced Proliferation", 1997, <i>Mol. Pharmacol.</i> 51:383-389.	

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		CROOKE et al., "In Vitro Toxicological Evaluation of ISIS 1082, a Phosphorothioate Oligonucleotide Inhibitor of Herpes Simplex Virus", 1992, <i>Antimicrob. Agents Chemother.</i> 36 (3):527-532.	
		DASS, "Vehicles for oligonucleotide delivery to tumours", 2002, <i>Journal of Pharmacy and Pharmacology</i> 54:3-27.	
		DASS, "Liposome-Mediated Delivery of Oligodeoxynucleotides In Vivo", 2002, <i>Drug Delivery</i> , 9:169-180.	
		DHEUR et al., "Polyethylenimine but Not Cationic Lipid Improves Antisense Activity of 3'-Capped Phosphodiester Oligonucleotides", 1999, <i>Antisense & Nucleic Acid Drug Development</i> , 9:515-525.	
		DOH-URA et al., "Treatment of Transmissible Spongiform Encephalopathy by Intraventricular Drug Infusion in Animal Models", 2004, <i>J. Virol.</i> 78 (10):4999-5006.	
		ELBASHIR et al., "RNA interference is mediated by 21- and 22-nucleotide RNAs", 2001, <i>Genes & Development</i> 15:188-200.	
		ELBASHIR et al., "Duplexes of 21-nucleotide RNAs mediate RNA interference in cultured mammalian cells", 2001, <i>Nature</i> 411:494-498.	
		FINOTTO et al., "Local administration of antisense phosphorothioate oligonucleotides to the c-kit ligand, stem cell factor, suppresses airway inflammation and IL-4 production in a murine model of asthma", 2001, <i>J. Allergy Clin. Immunol.</i> 107 (2):279-286.	
		FISSET et al., "Modulation of allergic response in nasal mucosa by antisense oligodeoxynucleotides for IL-4", 2003, <i>J. Allergy Clin. Immunol.</i> 111 (3):580-586.	
		GARRETT et al., "In vivo use of oligonucleotides to inhibit choroidal neovascularisation in the eye", 2001, <i>J. Gene Med.</i> 3:373-383.	

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		GORLACH <i>et al.</i> , "Antisense repression in <i>Cryptococcus neoformans</i> as a laboratory tool and potential antifungal strategy", 2002, <i>Microbiology</i> 148:213-219.	
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		HORVATH <i>et al.</i> , "Potent inhibition of HIV-1 entry by (s ⁴ dU) ₃₅ ", 2005, <i>Virology</i> 334:214-223.	
		HUGHES <i>et al.</i> , "The cellular delivery of antisense oligonucleotides and ribozymes", 2001, <i>Drug Discovery Today</i> . 6 (6) :303-315.	
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		INOUE <i>et al.</i> , "Sequence-dependent hydrolysis of RNA using modified oligonucleotide splints and RNase H", 1987, <i>FEBS Letters</i> 215 (2) :327-330.	
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		KANAGARATNAM <i>et al.</i> , "Malaria merozoite surface protein antisense oligodeoxynucleotides lack antisense activity but function as polyanions to inhibit red cell invasion", 1998, <i>Int. J. Biochem. Cell Biol.</i> 30:979-985.	
		KOCISKO <i>et al.</i> , "New Inhibitors of Scrapie-Associated Prion Protein Formation in a Library of 2,000 Drugs and Natural Products", 2003, <i>J. Virol.</i> 77 (19) :10288-10294.	

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				Filing Date	September 12, 2003
				First Named Inventor	Andrew Vaillant et al.
				Art Unit	1648
				Examiner Name	Sharon L. HURT
Sheet	9	of	13	Attorney Docket Number	16051-10US CC

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		KOSTER <i>et al.</i> , "Emerging therapeutic agents for transmissible spongiform encephalopathies: a review", 2003, <i>J. Vet Pharmacol. Ther.</i> 26:315-26.	
		KURRECK, "Antisense technologies. Improvement through novel chemical modifications", 2003, <i>Eur. J. Biochem.</i> 270:1628-1644.	
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		MOU and GRAY, "The high binding affinity of phosphorothioate-modified oligomers for Ff gene 5 protein is moderated by the addition of C-5 propyne or 2'-O-methyl modifications", 2002, <i>Nucleic Acids Res.</i> 30 (3) :749-758.	
		NAKAJIMA <i>et al.</i> , "Results of Quinacrine Administration to Patients with Creutzfeldt-Jakob Disease", 2004, <i>Dement. Geriatr. Cogn. Disord.</i> 17:158-163.	
		NOGUCHI <i>et al.</i> , "Remarkable induction of apoptosis in cancer cells by a novel cationic liposome complexed with a <i>bcl-2</i> antisense oligonucleotide", 2003, <i>Journal of Controlled Release</i> 88:313-320.	
		NOONPAKDEE <i>et al.</i> , "Inhibition of <i>Plasmodium falciparum</i> proliferation in vitro by antisense oligodeoxynucleotides against malarial topoisomerase II", 2003, <i>Biochem. and Biophys. Res. Commun.</i> 302:659-664.	
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		PAN <i>et al.</i> , "Isolation of virus-neutralizing RNAs from a large pool of random sequences", 1995, <i>Proc. Natl. Acad. Sci. USA</i> 92:11509-11513.	
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		POLI <i>et al.</i> , "In vitro Evaluation of the Anti-prionic Activity of Newly Synthesized Congo Red Derivatives", 2003, <i>Arzneim.-Forsch./Drug Res.</i> 53 (12):875-888.	

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		PRIOLA <i>et al.</i> , "Porphyrin and Phthalocyanine Antiscrapie Compounds", 2000, <i>Science</i> 287: 1503-1506.	
		PROSKE <i>et al.</i> , "Prion-Protein-Specific Aptamer Reduces PrP ^{Sc} Formation", 2002, <i>Chemic. Biol.Chem.</i> 3:717-725.	
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		RHIE <i>et al.</i> , "Characterization of 2'-fluoro-RNA aptamers that bind preferentially to disease-associated conformations of prion protein and inhibit conversion", 2003, <i>J. Biol. Chem.</i> , 278 (41):39697-39705.	
		Rieger, in: <i>Pharmaceutical Dosage Forms</i> , Lieberman, Rieger and Banker (Eds), 1988, Marcel Dekker, INC., New York, NY, Vol. 1, pp. 285-366	
		ROH <i>et al.</i> , "Down-Regulation of HER2/ <i>neu</i> Expression Induces Apoptosis in Human Cancer Cells That Overexpress HER2/ <i>neu</i> ", 2000, <i>Cancer Research</i> 60:560-565.	
		ROSOFF, in: <i>Pharmaceutical Dosage Forms</i> , Lieberman, Rieger and Banker (Eds), 1988, Marcel Dekker, INC., New York, NY, Vol. 1, pp.245-282.	
		SCHMIDT <i>et al.</i> , "Drug targeting by long-circulating liposomal glucocorticosteroids increases therapeutic efficacy in a model of multiple sclerosis", 2003, <i>Brain</i> 126 :1895-1904.	
		SHYNG <i>et al.</i> , "Sulfated Glycans Stimulate Endocytosis of the Cellular Isoform of the Prion Protein, PrP ^C , in Cultured Cells", 1995, <i>J. Biol. Chem.</i> 270 (50) :30221-30229.	
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		UHLMANN and PEYMAN, "Antisense Oligonucleotides: A New Therapeutic Principle", 1990, <i>Chemical Reviews</i> 90 (4):544-584.	
		VAN DEVENTER et al., "A randomised, controlled, double blind, escalating dose study of alicaforsen enema in active ulcerative colitis", 2004, <i>Gut</i> . 53:1646-1651.	
		VINOGRADOV et al., "Nanogels for Oligonucleotide Delivery to the Brain", 2004, <i>Bioconjug. Chem.</i> 15:50-60.	
		WANG et al., "Sequence-independent Inhibition of In Vitro Vascular Smooth Muscle Cell Proliferation, Migration, and In Vivo Neointimal Formation by Phosphorothioate Oligodeoxynucleotides", 1996, <i>J. Clin. Invest.</i> 98 (2):443-450.	
		WHITE et al., "Inhibition of the Multiple Antibiotic Resistance (<i>mar</i>) Operon in <i>Escherichia coli</i> by Antisense DNA Analogs", 1997, <i>Antimicrobial Agents and Chemotherapy</i> 41 (12) :2699-2704.	
		WHITE et al., "Development of novel methods for delivering therapeutic oligonucleotides to the central nervous system", 2003, <i>Society for Neuroscience</i> , Program #325.5, Abstract.	
		WHITE et al., "Antisense oligonucleotide treatments for psoriasis", 2004, <i>Expert. Opin. Biol. Ther.</i> 4(1):75-81.	

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		YANG et al., "Construction and selection of bead-bound combinatorial oligonucleoside phosphorothioate and phosphorodithioate aptamer libraries designed for rapid PCR-based sequencing", 2002, <i>Nucl. Acids Res.</i> 30 (23):1-8.	
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		ZHANG et al., "A Simple Glycol Nucleic Acid", 2005, <i>J. Am. Chem. Soc.</i> 127:4174-4175.	
		ZHANG et al., "The Study on Brain Targeting of the Amphotericin B Liposomes", 2003, <i>J. Drug. Target.</i> 11 (2):117-122.	
		ZHANG et al., "Global Non-Viral Gene Transfer to the Primate Brain Following Intravenous Administration", 2003, <i>Mol. Ther.</i> 7 (1):11-18.	
		<i>The Concise Encyclopedia of Polymer Science and Engineering</i> , Jacqueline I. Kroschwitz, 1998, ISBN: 0-471-31856-6, 1341 pages, pp. 858-859.	

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